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LITERARY CORRESPONDENCE

I.

FRANCE.

PROFESSOR LOMBROSO is unremitting in bringing up new facts in support of his doctrines. His *Nouvelles Recherches de Psychiatrie et d'Anthropologie criminelle* (New Researches in Psychiatry and Criminal Anthropology) comprise a good many, gathered from the latest works relating to criminality. In adding psychiatry to anthropology in the title to this volume, writes the learned author, "I return to my starting point and to the true source of these studies, which is only a clinical demonstration, but a more perfect one, of what is called in old psychiatry, moral insanity and masked epilepsy." Lombroso may be reproached with a certain exaggeration, a certain haste, in his views respecting criminal man: yet can we conceive of an opiniated inquirer who would not have faith in his work, and who could resist the desire to generalise from the facts already obtained? But I have little doubt that the works of his school will end in producing a precise conception, which will force itself on the attention of legislators and jurists. I say *precise*, because one has a glimpse of the truth in criticising the evidence offered to us in such variety, though what one perceives sometimes vanishes.

How can we conceive of the criminal type? This is a prime question on which it is not useless to insist. Crime, as M. Tarde tells us, has become a real profession in our modern societies. Although there is some truth in it, we must not allow ourselves to be deceived by the subtle form of this paradox. There is no want of

delinquents carrying on a business ; the army of crime recruits itself from all classes, it includes peasants and workmen, chemists and physicians, lawyers and merchants, soldiers and poets, that is to say, subjects possessing some one at least of the aptitudes which form a calling. We have here, then, on the one side, wretches destitute of all aptitude for a trade, and on the other men who do not adhere to the exercise of their profession, although capable of making use of it. The delinquent appears to us, in short, as stricken with some degree of professional incapacity, and if crime has become a profession in some sort, the criminals of every category first represent, if I may thus say, a professional or social waste. The study of the causes and the signs of this waste is just what has been undertaken.

The social causes of crime have often been put in prominence. They are numerous, and persons unacquainted with these questions are inclined to attribute the largest proportion of crimes and offences to distress and misery. But, according to the inquiries of Morrison, for example—and by the confession also of M. Troal, of whom I shall speak immediately—misery rarely produces crime, and if we examine carefully, one after the other, the social causes of crime, we shall soon be convinced that poverty, drunkenness, etc., feed criminality by producing degeneracy of the race, rather than that they directly arouse the criminal.* We are compelled then to seek the immediate reason for a crime in the criminal himself, and to learn to distinguish the delinquent by means of the methods fixed upon by anthropologists and physicians.

At first, as we know, Lombroso recognised only one criminal type. He has since found that there are many. The distinction between the thief and the murderer is classical. Benedikt has described the born vagabond ; Brouardel, the feminine type. It is always necessary in describing a type to resort to the methods of natural history, to pass in review the emotional and intellectual characters, the physiological or functional characters, the anatomical or morphological characters, and endeavor to seize certain constant

* I reserve, as well understood, the question of education, in order to simplify matters here.

correlations between the signs one has been successful in observing. The delinquent may be described as abnormal from the emotional standpoint, and as deficient or perverted from the intellectual point of view. We could then begin by describing exactly certain intellectual and emotional types, and it is no exaggeration to say that experienced magistrates in their way have done so, those even who, with M. Proal, we shall see to be the most hostile to anthropological theories. But they are reluctant to admit any relations between the moral agent and physical nature, whereas the new school, on the contrary, makes every effort to discover and determine them.

How far is it successful? That is the question.

If we take the ensemble of the emotional and intellectual characters, we shall affirm with Professor Pelman (whose opinion Mr. Christian Ufer has made known in *The Monist*) that the portrait of the imbecile traced by Sollier corresponds strongly to that of the born criminal of Lombroso. We shall aver also that this portrait does not answer equally well for all kinds of delinquents, and that we pass gradually from the malignant imbecile to the average or mediocre man. The same observation applies when we study the physiognomical characters of which the little book of Lombroso furnishes a great variety. We shall have evidently to consider, with respect to physiognomical characters and physical marks, a strong type (certainly inborn), a weak type, and, I would add, an *acquired* type.

If we take functional anomalies—those of touch, sight, etc.—we shall be struck with their number as well as with their importance, and, I may say in passing, the alienist physicians who continue to be the adversaries of Lombroso discover every day fresh examples of them, which could give to the conception of the type, the reality they still deny it to possess. The latest discovery, and certainly one of the most striking, is that which Ottolenghi has just made, in the clinic of Lombroso himself, respecting the visual field of epileptics and of the morally insane. According to the researches of Ottolenghi, the visual field will be remarkably limited, both with epileptics not in paroxysms, and with born delinquents, but more often with the latter. They present a partial hemiopia, vertical and

heteronymous ; the periphery of the field is sinuous and irregular. This discovery tends, then, to confirm the analogy of epilepsy with criminal tendencies ; it will furnish a sign of the first order for a well marked category of delinquents.

Let us pass on to morphological characters. The abundance of evidence is truly extraordinary, and one cannot abstain from remarking, in this relation, that a certain number of the anomalies designated ought to be found, and indeed are found, in morally healthy subjects, and that therefore they do not alone suffice to furnish a ground of distinction from the medium normal type. As certain functional anomalies are not wanting either in many subjects whose morality remains perfect, it would be necessary to aim, it seems to me, at establishing an approximate *quantum* for the criminal type, or rather for the *kinds* which ought to lead, by sensible gradations, from the most pronounced type to that which is the least so. Some scattered elements of this work will be found in the book of Lombroso ; the studies of Clouston on the palate (deformation of the palate existed in 19 per cent. of the general population, 61 per cent. of imbeciles, 35 per cent. of criminals, and 33 per cent. of madmen) ; the monographs of Ottolenghi and Roncoroni on the pathological anomalies of 100 criminals, with an indication of the number and the nature of the anomalies, etc.

In short, it cannot be questioned that the new school holds its ground well, since it circumscribes and makes more and more precise the object of its researches. In my humble opinion, it is of importance for it to get rid of hazardous or useless explanations, for it to tell us as little as possible of remote atavism—for if heredity is constant, it is not possible to trace it link by link as far as the deluge!—and finally for pure anthropologists and pyschiatrists to beware of themselves drawing practical conclusions from their doctrines. The applications concern jurists, and constitute a question of another kind, into which other considerations also enter.

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In the juridical domain, a French magistrate, M. LOUIS PROAL, has just published a considerable work, *Le Crime et la Peine* (Crime and Punishment) which is truly the performance of an adversary,

but not of such an adversary as M. Tarde. M. Proal is an irreconcilable, and all his dialectic—charged a little too much with citations of which many are useless or prove nothing—turns on the absolute affirmation of free-will. He flatters himself to have demonstrated freedom, in which he is wrong. It is a matter of faith, as critics have very well perceived. Human science can know only determinism; it proves only what it finds.*

M. Proal claims then to found on free-will the two principles of the moral responsibility of the delinquent, and the moral character of punishment, in opposition to the purely social point of view in which the new criminalists place themselves. The physical anomaly of the criminal seems to him a chimera, and he goes so far as to deny, or falls little short of it, the relations of frenzied impulsion with degeneracy. Willingly, perhaps, he would accept as truly mad and irresponsible only the insane, those who are shut up forever in the asylums!

Certainly, M. Proal possesses the experience of the magistrate, he has erudition and triumphs easily, in details, by the defects and deficiencies of the doctrine he combats. His objections, nevertheless, do not touch the general conception which connects crime, in a great number of cases, with the disorders of the living machine. He is not willing for the criminal to differ from the honest man otherwise than by his inclinations and will, as though will and inclinations had no dependence on the state of our organs, and as though heredity entered for nothing into the "personal factor" of character! He is not averse to saying that moral and physical decadence is always the effect of criminality, as though it was never its

* A ground of mutual understanding would be supplied by accepting the distinction proposed by P. Carus between *constraint*, which alone excludes freedom, and *necessity*, which leaves our will free within the limits of our character. Already Plotinus had written: "How can it be said of this being (he who obeys his nature) that he obeys, if he is not constrained to follow something external?" (6th *Enn.* lib. viii.)—I recommend to the curious on these questions the book of M. BERTAULD, *Méthode Spiritualiste, Esprit et Liberté*. M. Bertauld places freedom in *autonomy*, which is perfectly reconcilable with psychological determinism; there is on the contrary, he declares, no radical contradiction between determinism and free-will, and indeterminism is an absurd conception. The work is well written, and I do not intend to belittle it by mentioning it in a simple note.

cause ! He allows with that attenuations of moral responsibility, resulting from physiological and physical influences, as though a weakened responsibility was a true moral responsibility in the sense he understands, and as though the judge had the means of deciding at what moment morbid evolution involves irresponsibility !

These absolute principles once established, he defines an offense "the violation of a social duty," and he grants that the judge "ought to take account of the importance of the social evil resulting from the crime." It is sufficient for him that the *intention* and the *responsibility* is appreciated, in order to attach the penalty to morality. In default of which, writes he, there would be no more justice. It is a noble solicitude, that of wishing to justify punishment in the eyes of the guilty person himself, and to inflict it on him as an expiation of the evil he has committed. But here an error is fallen into, which is, in my opinion, to suppose that the law punishes "morally." The law has not the power to inflict moral chastisement. It strikes the delinquent materially, in his goods, in his person ; the rest depends not on the judge who applies the law, but on the judge who is in ourselves, the avenger more or less severe according to the complex incidencies of education and heredity. Moral chastisement can exist only in the conscience of the delinquent, and, if this conscience is wanting, or nearly so, all the affirmations of the judge cannot cause the punishment to have the quality of moral expiation for the guilty. The criminal will submit to it through force, and the magistrate will apply it by necessity.

Such is, I think, the true situation. The new school of criminology will introduce reforms in the practice of the tribunals and in the administration of the penal laws ; it will not change justice and could not compromise morality. And now pardon me for adding to these some further remarks, in connection with the books of which I have still to speak.

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The interests and the passions of men, habits too long acquired to alter, can be considered as the immediate and constant motives of societies, the *vis à tergo* of their evolution. Political theories work on a pre-existing social matter, and more or less in the direc-

tion of the tendencies which have produced the state of things that they aspire to reform or overturn. In a general manner, they possess then neither the power necessary to create, attributed to them by utopists, nor the power to destroy, which makes them appear so formidable to conservatives. Without denying all efficiency to the intellectual ideal, it is permissible to say that its action has a bearing purely conditional, and that the revolutions of growth of social organisms never absolutely depend on the theorist who establishes its diagnosis, and endeavors to regulate its march. We behold, in a word, history making itself, rather than that we make it ourselves and according to our inclination. It is hardly possible for us to foresee the remote effects of our inventions, of our discoveries. In sociology as well as in physics, man remains the servant and the interpreter of nature.

There is in this, if I am not deceived, a reason for reassuring ourselves concerning certain alarming predictions as to the future of our civilisation. In his book *La Civilisation et la Croyance* (Civilisation and Belief), the second edition of which has just appeared, M. CHARLES SECRÉTAN estimates that our societies will sink down, at least that they will neither return to a purified Christianity—a Christianity that has never yet been practised—nor restore the great principles of the free soul and of God. M. Secrétan is a brilliant writer and has a noble heart, and his book contains at least one truth of the first order, always good to repeat, which is that nothing durable is founded on hatred. He dare not flatter himself, however, that his warnings will be listened to, his lessons observed. Perhaps he exaggerates the real dangers which menace us, because he enlarges, unknown to himself, the rôle of philosophic doctrines, and attributes to the mind a kind of discretionary power over the sentiments and the interests of mankind.

Here we have the intellectualist mistake. It appears chiefly in the revolutionist propaganda which agitates our Europe, and of which M. J. BOURDEAU makes known the ideas and the progress, in a clear and interesting manner, in his work *Le Socialisme allemand et le Nihilisme russe* (German Socialism and Russian Nihilism). It is a fact well worthy of remark, that the genial promoter of the

theories of Fourier, St. Simon, and others—I refer to J. J. Rousseau—had had the conjecture of a social physiology: fragments of his that have been published show well that he did not regard the age of gold as one of savagery, and that he foresaw the part that human nature had to do in our calculations of government. What is found just in his writings could even well be intimately connected with this naturalist point of view. But he lived in the century *par excellence* of rationalism, where such ideas could be neither developed nor understood; he constructed the political world according to reasoning, and I shall not be far wrong in thinking that socialism represents in its turn, definitively, at least in its essential features, a last offshoot from this rational school which has already, a hundred years ago, made us the villainous present of Jacobinism.

Absolute communism has no chance of ever realising itself. Neither Karl Marx, nor Engels, has ventured even to indicate the possible form of the society of which they dream. The action of the socialists, in turn, could have as its result the substitution for our régime of excessive individualism and of disordered democracy, a régime of corporations and of more regular co-operation, by one of those reversions to institutions anciently delineated that history presents to us, and which respond to a sort of “law of oscillation” of social phenomena. There is no occasion, however, to give it long consideration to establish that these returns do not exclude novelty, for the apparent form of social arrangements is of less moment than the nature of the ideas and of the relations which sustain them, and here is what I would readily call a “law of progressive repetition.” As to the exact sense of the evolution which there manifests itself, the great task of disengaging it falls to the sociologists. But the school of Marx has wished to see things only from one side, and his theory, which is too simple, does not embrace the complexity of the phenomena.*

Without any pretension to renew the face of the world and to

* In this relation, I will particularly refer to the great work, in course of publication, of M. B. MALON, *Le Socialisme intégral*, and I recommend at the same time the article *Justice and Socialism* of M. Belot, which has been much spoken of, in the number for February last of the *Revue Philosophique*.

interpret economic phenomena in favor of an arbitrary thesis, M. AD. COSTA, in his opusculé *Alcoholisme ou Épargne* (Alcoholism or Thrift) places before us the truly immediate question of socialism, in the presence of this "social dilemma" which reformers willingly mask in their discourses: on one side, alcoholism, life from day to day, the unreasonable and momentary illusion that one imbibes with stimulants, the wasting of daily resources, finally the pauperism which leads to social servitude; on the other side, thrift under all its forms, a provident life ordered with intelligence, abstinence from dangerous stimulants, progressive comfort and increasing happiness, more and more freedom. Yes, here are the two issues between which the workers have to choose. Those who read this little book can learn there, both what milliards of salaries alcohol has devoured, and what misery both physical and moral it engenders, and the degradation that it brings to those who give themselves up to it. To many this may be only the small side of a great problem. Without thrift and the qualities which render it possible, there is neither family nor morality. How can a man pretend to possess instruments of labor when he deteriorates the chief of all, his own living machine? How can a social class have the illusion to believe that a revolution ever profits him who is neither able nor capable of preparing and conducting it?

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The last work of M. E. DE LAVELEYE, *Le Gouvernement dans la Démocratie* (Democratic Government),* published a few months before his death, treats chiefly of the organisation of public powers. This question has importance to-day, writes the learned author, only in relation to the great questions which will agitate the world of to-morrow, the social question and the religious question. Conservatives make use of government as a brake; revolutionists seek to seize hold of it as a lever. The fact is that our Europe marches towards democracy. But will democracy give us freedom? On what conditions can it form an acceptable régime and one compatible with high culture?

* All the works mentioned in this article are published by F. Alcan.

It is not necessary for me to explain here the reasonings and conclusions of M. de Laveleye. His book, to speak the truth, is less a book than a collection of Review articles and historical sketches. The politics of action will find in it too much theory, and philosophers will regret the absence of master-ideas. It is well to read this work for its practical advice and the rich details that it contains ; we must not look there for a real historical or social conception.

The sentiment which is dominant, finally, in all the writings of which I have just spoken is inquietude, and unfortunately it is only too well justified. We see, in our Occident, alcoholism increasing with salaries, the hatred of classes with wealth, immorality with enfranchisement, public burdens with political progress, the aggregation of individuals with great industry, criminality even with education. The wealth acquired is compensated for by new evils ; it seems that all our conquests have the result of putting social order in peril, and that the civilisation of which we are so proud is bound, in a short time, to become bankrupt.

We have, nevertheless, a weighty capital with which to restore ourselves, and it is only right to say that it is beginning to be applied. But we must give up some errors as to which it is good time to open one's eyes. One of the gravest, certainly, is always to place instruction before education, and the mind before the heart. We have allowed to drop, at the same time with religion, the difficult task of forming moral habits. Let us understand in a word that, in a society, the most valuable thing is neither the steam engine, nor the bank note, but the man himself, and that in the man even it is not ability or special knowledge but *character*.

LUCIEN ARRÉAT.